

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

**Call to Order:** By **CHAIRMAN DON RYAN**, on January 7, 2005 at 3:00 P.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Don Ryan, Chairman (D)  
Sen. Gregory D. Barkus (R)  
Sen. Jerry W. Black (R)  
Sen. Kim Gillan (D)  
Sen. Bob Hawks (D)  
Sen. Sam Kitzenberg (R)  
Sen. Jesse Laslovich (D)  
Sen. Jeff Mangan (D)  
Sen. Dan McGee (R)  
Sen. Bob Story Jr. (R)

**Members Excused:** Sen. Jim Elliott (D)

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Lois O'Connor, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SB 152, 12/30/2004 (Continued)  
Executive Action: None.

**{Tape: 1; Side: A; Time Counter: 2.1}**

**Informational Testimony:**

**Eddye McClure, Staff Attorney, Legislative Services Division,** stated the following about the drafting of SB 152:

- (1) Until the Legislature receives the full Court decision, it is not fully understood what needs to be done in terms of needs assessment. However, the Court wants the Legislature to "connect the dots" to its funding system.
- (2) The definition of a basic system of free quality public elementary and secondary schools was included in 20-9-307, MCA, because it is the only place in the Code where the state attempts to use the phrase "basic system of....".
- (3) The recommendations of the Public School Renewal Commission are believed to be educationally relevant and are the basis for the starting definition of a basic system of education in SB 152.
- (4) The term "flexibility" was used in SB 152 to maximize local control. A bill will be introduced regarding combining systems and flexibility.
- (5) SB 152 does not include consolidation of schools because consolidation is a legislative policy decision and it is not a part of the basic system of education. It also does not include the issue of full-day kindergarten.
- (6) The ability to recruit and retain qualified teachers is covered under the salaries and mandated employee benefits for certified and classified employees.
- (7) The Committee should focus on the issues that the state has never funded, such as some of the accreditation standards and Indian education.
- (8) The Legislature may want to back up, perhaps in a preamble or purpose statement, its recommendations by mentioning where the assessments were made and what studies they came from.

**{Tape: 1; Side: A; Time Counter: 9.5}**

**Questions From the Committee and Responses:**

**SEN. BOB STORY** expressed his concern with the term "assess" in SB 152 because according to the dictionary, "assess" has more than one meaning. **Ms. McClure** suggested that the language "determine" could be used.

**SEN. JEFF MANGAN** asked how the Legislature could "assess" or "determine" and what vehicle determines what language should be used. **Ms. McClure** said that in order to determine the state share, the Legislature must first cost out what it wants done.

There may already be existing studies that have assessed the cost of a basic system that the Legislature may feel is exactly what it wants, or the Legislature may want to hire experts to cost out certain portions of what it wants, or the Legislature may want to consider an interim study to cost out what it has determined to be the basic system of quality education. **SEN. MANGAN** asked if the language "may" in Section 3 (2)(e) needed to be changed in the sentence "Resources and equipment 'may'". He felt that "may" was too permissive. **Ms. McClure** said that if the Committee felt that the list was valid and needed, the language could be changed to "must".

**SEN. BOB HAWKS** asked if the Augenblick and Meyer study included relevant costing information that could be reviewed. **SEN. DON RYAN** responded that the Committee will receive information from **Jim Standaert, Legislative Fiscal Division**, that shows how other states have dealt with studies and information that shows the amounts of flexibility that different methodologies have relative to costs. Because of the varying amounts of flexibility, **SEN. RYAN** was hesitant to lock the Committee into the use of a particular study when it came time to cost out the system. He said the Committee's first task is to build its blueprint on a basic system of education.

**SEN. SAM KITZENBERG** asked for **Mr. Copps'** opinion on some of the various studies. **Mr. Copps, Montana Quality Education Coalition (MQEC)** said that a number of studies exist that are relevant to the work of the Committee, and studies exist that send up a red flag. He said that when the plaintiffs in the lawsuit went before the District Court, they did not argue that Montana did not have an educational system of quality. They argued that the system is not properly funded and that the state is not participating as it should in funding that system. **Mr. Copps** added that the Augenblick and Meyer study provides valuable insight into the contemporary needs of young people. However, the study was not welcomed in the 2003 Session and has the potential to raise a red flag during this session.

**Mr. Copps** continued to say that the MQEC believes that items such as the accreditation standards and the content and performance standards represent contemporary educational needs, and they feel that the state needs to protect them because they are the foundation on which quality is built. MQEC is more interested in Montana's current system and ensuring that the system move forward rather than enhancing the current system and, perhaps, jeopardizing the system that currently exists.

*{Tape: 1; Side: A; Approx. Time Counter: 25.7}*

**Darrell Rud, School Administrators of Montana (SAM)**, provided a compilation and overview of the current number of Montana's school administrator positions.

**EXHIBIT (eds05a01)**

**SEN. STORY** requested information on the number of superintendents and principals who also have teaching responsibilities. **Mr. Rud** said that more research would have to be done to come up with a rough figure, but he estimated that several hold both responsibilities.

**SEN. KIM GILLAN** asked about the ratio per student of administrators compared to other states. **Mr. Rud** said that he just received new ERS research information that he could make state specific to provide to the Committee.

*{Tape: 1; Side: B; Time Counter: 2.1}*

**Committee Business:**

- (1) Committee members will submit a list of questions they want answered from various school funding stakeholders.
- (2) Committee members requested **Dr. Kirk Miller, Chairman, Montana Board of Public Education**, to be present during its discussion on the accreditation standards.
- (3) The Committee will continue to stay on its 2-hour meeting timeframe.
- (4) Executive Action on SB 152 will take place the week of January 10, 2005, and all technical changes or amendments will be discussed.
- (5) **SEN. RYAN** will make his closing statements on SB 152 on Thursday, January 12, 2005.
- (6) **SEN. McGEE** provided copies of the definitions of "base or basic", "opportunity", and "quality" taken from the dictionary.

**EXHIBIT (eds05a02)**

**EXHIBIT (eds05a03)**

**EXHIBIT (eds05a04)**

**ADJOURNMENT**

Adjournment: 3:40 P.M.

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SEN. DON RYAN, Chairman

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LOIS ANN O'CONNOR, Secretary

DR/LO

Additional Exhibits:

**EXHIBIT ([eds05aad0.TIF](#))**